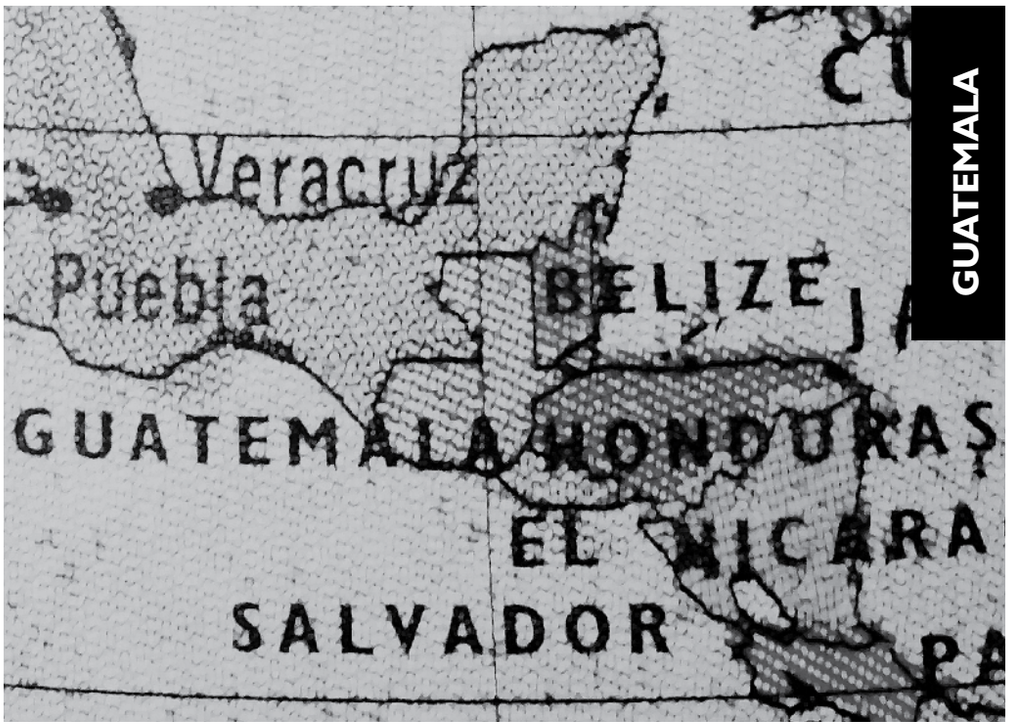
Central American Gang-Related Asylum

A RESOURCE GUIDE • MAY 2008



Gangs in Guatemala[1]

Historical Background

From 1960 to 1996, civil conflict in Guatemala resulted in the death of between 100,000 and 200,000 people. Repression became most severe in the early 1980s, when government forces carried out a "scorched earth" campaign of massacres against civilians in rural areas where the government believed left-wing guerrilla groups to be active. Although both the government and guerrilla groups committed abuses, a post-war Historical Clarification Commission found that 80 percent of civilian fatalities in the war were committed by state security forces, while only five percent could be attributed to guerrilla groups.[2] (A later U.N. study found similar numbers.) During the most brutal years of the war, hundreds of thousands of Guatemalans fled the country, many of them arriving in the United States as refugees. As of the year 2000 the U.S. Census Bureau reported that there were 480,665 Guatemalan nationals living in the United States[3]; the International Organization for Migration, whose figures include many Guatemalans who may not respond to Census Bureau polling because they lack legal immigration status, estimates that there are 1 million Guatemalan nationals living in the United States.[4]

The so-called Central American gangs *Mara Salvatrucha* and the 18th Street gang have their origins in Los Angeles neighborhoods where Central American refugee youth, already at risk for gang involvement due to a history of violence, socioeconomic problems and other factors, encountered well-established Los Angeles gangs. *Mara Salvatrucha* and 18th Street emerged as these immigrant youth organized themselves in response to existing gangs. Some Guatemalan refugee youth became involved in *Mara Salvatrucha* and 18th Street.

After 36 years of war, the Guatemalan government and left-wing guerrilla groups signed a peace accord in 1996 that ushered in the current "post-war" era. That same year the U.S. Congress passed the Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA), which expanded the categories of eligibility for deportation and specifically mandated the deportation of "criminal aliens."[5] So, in the year that began the immediate post-war period,

The Washington Office
on Latin America (WOLA)

a time of significant instability, Guatemala began to receive both criminal and non-criminal deportees from the United States in large numbers.

The current post-war era in Guatemala is characterized by a weak state riddled with corruption, organized crime networks that operate with a high degree of impunity, and some of the highest levels of social inequality and exclusion in the Western Hemisphere.[6] Local street gangs have existed in Guatemala since at least the 1960s. But during the 1990s, with the deportation of Guatemalans who had been living in the United States, the street gangs MS-13 and 18th Street named for street corners in Los Angeles emerged as the dominant "confederated" gangs in Guatemala as well as in Honduras and El Salvador. In this current environment of inequality and lack of opportunity, gangs have emerged as a major security concern in Guatemala.

Number and Type of Gangs in Guatemala[7]

According to the Guatemalan National Police the number of gang-involved youth in Guatemala is between 8,000 and 10,000. Some community organizations that work with gangs believe the number to be much higher.[8] A 2007 United Nations report, however, says that the percentage of youth involved in gangs is small.[9] The gangs are concentrated in metropolitan Guatemala City and the southwestern parts of the country, though they have some presence in almost all states of the country.[10] According to an assessment of gangs in Mexico and Central America done by the U.S. Agency for International Development (USAID) in 2006, 80 percent of gang-involved individuals in Guatemala identify with *Mara Salvatrucha* and 15 percent identify with the 18th Street Gang (*Barrio 18.)* Ranum's study (2007) suggests that there are also neighborhood-based gangs that may or may not identify with *Mara Salvatrucha*, though evidence suggests that these neighborhood-based gangs do have to pay "taxes" to one or both of the dominant gangs.[11]

While not organized in a centralized fashion like organized crime networks, these cliques have in some cases developed hierarchical structures through which they have contact with drug traffickers or other smugglers.

Characteristics of Gang Members in Guatemala

Until the mid 1990s, gangs in Guatemala were characterized by diverse, large groups of youth (up to 40 members), with an average age of 14, who were territorial but not exceptionally violent. They used knives, not firearms, in their fights. These local gangs were involved predominantly in petty crime and had individual territorial identities and names.[12] Today gangs in Guatemala are much more violent and organized than in the 1990s and earlier. To talk of gangs in Guatemala today is to talk of *Mara Salvatrucha* and 18th Street. Researchers report that local gangs or subgroups known as "*clikas*" are usually affiliated with *Mara Salvatrucha* or 18th Street.[13] While not organized in a centralized fashion like organized crime networks, these cliques have in some cases developed hierarchical structures through which they have contact with drug traffickers or other smugglers.[14] Although there is communication and negotiation between some *clikas* and their leaders and others conducting illicit activities such as smuggling, other *clikas* are not primarily criminal enterprises and remain largely non-violent. Illicit activity is not obligatory in all *clikas*, though it may be in some. The levels of violence of a *clika* are largely dependent on its leader.[15] Of surveyed prisoners, 55.4 percent indicate that there is coordination and communication among *clika* leaders in Guatemala, 43.1 percent said there was not communication among *clika* leaders and 1.5 percent said they didn't know.[16] In-depth interviews with imprisoned gang members suggest that incarcerated gang leaders sometimes issue orders to gang members on the streets. Other findings:

- In a survey of 65 prisoners in jail for gang-related charges, 20 percent were still active in their gang, 35.4 percent were "*calmados*" (calmed or not active in the gang) and 44.6 percent indicated that they were not affiliated with a gang.[17]
- Interviews with gang members indicated that gangs are contacting children at very young ages, starting between age 7 and 11. The youth are usually not "jumped in" (initiated) to the gangs until after they are 12 years old.[18]

- Some gang members reported that they do not accept youth younger than 10 years old into their gang because children are more likely to talk to authorities under pressure. Others reported that the gangs recruit younger and younger youth to participate in the gang even if they aren't officially initiated until they are older.[19]
- Average age at entering the gang is 14.7 years old, with half entering at age 13 or younger.[20]
- Women make up 3.4 percent of the incarcerated gang population in Guatemala according to the penitentiary system data[21]
- The majority of the surveyed inmates had lived with a family member prior to entering jail: 25 percent with a romantic partner or spouse and 50 percent with one or both of their parents.[22]
- Among polled prisoners in jail for gang-related charges, 78.5 percent were employed before entering jail.[23]

Gang Members and Anti-Gang Policy

No anti-gang legislation has been passed in Guatemala, but there have been proposals, similar to those in El Salvador and Honduras, directed at youth gangs, to penalize "illicit association" or conspiracy. This would mean that gang-involved individuals who had not committed crimes, or individuals who are not in a gang and who have not committed a criminal act, could be arrested if they associate with gang members.[24] Despite a lack of anti-gang legislation, Guatemalan police have applied policies similar to the zero tolerance, heavy-handed policies implemented in Honduras and El Salvador.[25] In 2003 the Guatemalan National Civil Police began to implement *Plan Escoba* ("Plan Broom"), which used mass detentions as a strategy to control gangs.[26] Detainees in *Plan Escoba* were usually accused of possession of a small quantity of illicit drugs. Only 1.1 percent of those detained under this accusation were ever charged; most cases were dismissed for lack of evidence. Despite the lack of evidence, large numbers of young men have been detained for significant periods of time under these and other charges.[27] An important criticism of the mass detentions is that they target individuals for whom there is no evidence of committing violent crimes, when violent crime is the most pressing public security concern.[28]

Gangs and the Prison System

Mass arrests under *Plan Escoba* have resulted in prison overcrowding and have had counterproductive effects. They include:

- While in prison, relationships among gang leaders are developed and the cohesiveness of the *clikas* is strengthened. In response to police repression gangs are becoming more organized and strategic.[29]
- For low-level and younger gang members, incarceration is an opportunity to learn more about gang life and become

Gang members who are victims

- Extrajudicial killings are on the rise in Guatemala in general, and gang members in particular are victims of these killings. Gang members are targeted as part of "social cleansing" campaigns carried out by vigilante groups.[33] Seventy-eight percent of prisoners polled said that the police are part of the social cleansing groups that operate in Guatemala, and 52.3 percent say that the police are principally responsible for the deaths of gang members.[34]
- Problems with corruption in the police departments have led to reports of abuses of gang members by police officers including: extortion, kidnappings, beatings and torture such as covering detained gang members with gasoline and threatening to set them on fire.[35]
- Among homicides of youth (under 25 years), 16.5 percent were reported to have characteristics of extrajudicial killings. This is of grave concern; the United Nations Special Rapporteur for Children has begun a special investigation into the killings.[36]

Detainees in Plan Escoba were usually accused of possession of a small quantity of illicit drugs. Only 1.1 percent of those detained under this accusation were ever charged...

more inducted into it, rather than an opportunity for rehabilitation.[30]

- A lack of control in the prison system has helped to strengthen the rivalries between gangs, resulting in massacres in the prisons, the best-known of which resulted in the murders of thirty-five 18th Street gang members in August 2005.[31]
- Since the implementation of the police's anti-gang strategy, homicide rates have increased and the gang phenomenon has become more complex and integrated into other criminal activities.[32]

There is evidence that some gang members collaborate with organized criminal networks, though the collaboration is not "formal" and the relationship is not strategic for the gang members (but perhaps is for leaders of organized criminal networks). Of polled gang members 38.5 percent reported that gangs collaborated with organized crime, while 44.6 percent reported that they did not.

Cause of detention of gangs members, 2004 (percentages)

Drug possession	23%
Robbery	20.4 %
Disorderly conduct	18.4%
Possession of a firearm	10.7%
Weapons possession	7.7%
Assault with a weapon	5%
Firing a weapon	4.7%
Assault	2.1%
Homicide	1.8%
Others	6.1 %

Source: National Civil Police

Endnotes

1 The information in this summary comes from the most recent diagnostic of the gang phenomenon in Guatemala, written by Elin Ranum (2007), unless otherwise cited. Ranum's study is part of the comparative project "Transnational Youth Gangs in Central America, Mexico and the United States," in which WOLA has also conducted research and is based at the Instituto Tecnológico Autónomo de México (ITAM) and funded by the Kellogg Foundation. Much of Ranum's research is based on a 2006 survey of 65 gang members in Guatemalan prisons. The full text of Ranum's report and the entire study is available in Spanish at http://www.wola.org/media/Gangs/diagnostico_guatemala.pdf.

2 See Jean-Michael Simon "La Comisión para el esclarecimiento histórico y justicia en Guatemala" http://www.ejournal.unam.mx/boletin_md.

3 U.S. Bureau of the Census. *Profile of Selected Demographic and Social Characteristics: 2000*, Bureau of the Census. Washington, DC, 2000 http://www.census.gov/population/cen2000/stp-159/stp159-guatemala.pdf.

4 James Smith, "Guatemala: Economic Migrants Replace Political Refugees." Migration Information Source http://www.migrationinformation.org/Profiles/display.cfm?ID=392 (accessed December14, 2007).

5 Michael John Garcia and Larry M. Eig, "Immigration Consequences of Criminal Activity." December 2, 2004. Congressional Research Service Report RL32480 http://digital.library.unt.edu/govdocs/crs/permalink/meta-crs-7848:1.

6 UNDP, *International cooperation at a crossroads: Aid, trade and security in an unequal world,* 2005. http://hdr.undp.org/en/reports/global/hdr2005/.

7 The maras are a phenomenon that is still not sufficiently understood. Statistics about gang related crime in Guatemala are difficult to obtain and frequently inaccurate. Here we include some statistics on gang-related crimes and numbers of gang members. The numbers vary widely and are hotly debated by police, academics and other experts.

8 Elin C. Ranum, *Pandillas juveniles transnacionales en Centroamérica, México y Estados Unidos*. Instituto Universitario de Opinión Pública, 2007. http://www.wola.org/media/Gangs/diagnostico_guatemala.pdf.

9 United Nations Office on Drugs and Crime. *Crime and Development in Central America: Caught in the Crossfire,* 2007. http://www.unodc.org/pdf/Central%20America%20Study.pdf.

10 Some sources suggest that the eastern side of the country is controlled by drug traffickers and organized crime, and thus, the gangs are not able to establish themselves when confronted with such powerful forces (Ranum 2007:7).

11 Ranum, 2007:10.

12 Ibid., 10.

13 Ibid., 11.

14 Ibid., 11.

15 Ibid., 12.

16 Ibid., 13.

17 Ibid., 8.

18 Ibid., 10.

19 Ibid., 10.

20 Ibid., 10.

21 Ibid., 8.

22 Ibid., 10.

23 Ibid., 10.

24 Ibid., 36.

25 The terms repression-only, zero-tolerance and heavy handed refer to policies that focus almost exclusively on identifying gang-members or those associated with gang-members, and putting them jail.

26 Ibid., 36.

27 Ibid., 37.

28 Ibid., 41.

29 Ibid., 41.

30 Ibid., 41.

31 Ibid., 42.

32 Ibid., 43.

33 Washington Office on Latin America. *Executive Summary: Transnational Youth Gangs in Central America, Mexico and the United States.* Washington, D.C., 2007. http://www.wola.org/media/Gangs/executive_summary_gangs_study.pdf.

34 Ranum, 2007:32.

35 Ibid., 31.

36 Ibid., 31.